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PTO/SB/30 (08-00)  
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# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of a utility or plant application  
filed on or after June 8, 1995.  
See the American Inventors Protection Act of 1999 (AIPA).

Application Number	09/121,239
Filing Date	July 23, 1998
First Named Inventor	Harvey <i>et al.</i>
Group Art Unit	1635
Examiner Name	Schmidt, M.
Attorney Docket No.	GP091-03.RC1

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

a. ☐ Previously submitted

- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

- i. ☒ Amendment - 13 pgs.
- ii. ☒ Information Disclosure Statement - 2 pgs. ☒ PTO Form 1449 (in duplicate) ☐ References
- iii. ☒ Request for Extension of Time - 1 month - 1 pg. 12/20/2000 GTEFFERA 00000058 070835 09121239
- iv. ☒ Fee Transmittal - 1 pg. 01 FC:179 710.00 CH

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to  
Deposit Account No. 07-0835

- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ 1 Month Extension of time fee (37 C.F.R. §§ 1.136 AND 1.17)
- iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Christine A. Gritzmacher	Registration No.	40,627	Telephone	(858)410-8926
Signature		Date	December 12, 2000		

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:  
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Name (Print/Type)	Christine A. Gritzmacher	Date	December 12, 2000		
Signature	Christine A. Gritzmacher	Date	December 12, 2000		

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Applicants:	Harvey et al.	)	Examiner:	Schmidt, M.
		)		
Serial No.	09/121,239	)	Group Art Unit:	1635
		)		
Filed:	July 23, 1998	)		
		)		
For:	METHODS FOR DETECTING AND MEASURING SPLICED NUCLEIC ACIDS	)	Docket No.:	GP091-03.RC1
		)		

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AMENDMENT ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION (RCE)

Box RCE  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

A request for continued examination of the above-referenced application under 35 U.S.C. § 132(b) is filed herewith. Before examination on the merits, kindly enter the amendments that follow.

IN THE CLAIMS

Please amend Claims 1, 6, 9, and 19 as follows:

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1. (Amended Twice) A method for detecting a fusion nucleic acid comprising the steps of:
- a) providing a sample containing a first single-stranded fusion nucleic acid comprising a splice junction;
  - b) contacting under nucleic acid amplification conditions:
    - the first single-stranded fusion nucleic acid,
    - a first primer which hybridizes to the fusion nucleic acid at a first primer binding site located 3' to the splice junction site, and

\*\*\*\*\*  
Certificate of Express Mail

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited on the date indicated below with the U.S. Postal Service as First class mail addressed to the Commissioner for Patents, Box RCE, Washington, D.C. 20231.

Date: December 12, 2000

*Christine A. Gritzmacher*  
Christine A. Gritzmacher